

**REMARKS**

Applicant respectfully requests the Examiner's reconsideration of the present application. Claims 1, 14, 18, 25, 38, 42, 49, 62 and 66 have been amended. No claims have been added. Therefore, claims 1-3 and 5-72 are presented for examination.

**Claim Amendments**

Certain claims have been amended to particularly point out the unique aspects of the claims. Support for the amendments can be found within the Application's Specification, for example, on page 11, line 21 to page 12, line 17 and page 13, lines 11 to 20 respectively. No new matter has been added as a result of these amendments.

**Claims 1-3, 25, 26, 28, 49, 50 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller et al., U.S. Patent No. 6,621,768 ("Keller") in view of Kurashina et al, U.S. Patent No. 6,661,736 ("Kurashina").**

**Independent claims 1, 25 and 49**

Amended independent claims 1, 25, and 49 contain the limitation "... delaying execution of said instruction until a command to eject said blank writeable media ..." (emphasis added).

Keller discloses a compact disc recording device such that a user can select soundtracks from a configured music library for customized recording onto a compact disc. Keller describes of a device including a front bezel that includes buttons for operation of the device and talks of the replacement of physical knobs with a graphical user interface such as a touch screen where a user can physically operate, control, and program the device through direct touching and physical contact with the device.

Kurashina discloses an optical disk recording apparatus and method for recording data in a lead-in area and a program area. The objective of Kurashina's disclosure is to prevent inputted CD text from being accidentally cleared when a disk is being ejected after the program data is recorded in the program area but the TOC data

is not written into the lead-in area of the disk. Kurashina's disclosure proposes to record the related data in the lead-in area into the program area of the optical disk when the optical disk is in a partial recording condition when finalization is not completed before disk ejection.

Applicant's claim is different from the combination of Keller and Kurashina. First, unlike the suggestion in Keller's graphical user interface that teaches the use of a touch screen and physical contact for operation of a device, applicant's claim relates to a graphical user interface in an environment which utilizes icons for manipulation of commands such as dragging and dropping (page 11, lines 13-20). Second, applicant's claim includes the limitation "...and delaying execution of said instruction until a command to eject said blank writeable media ..." Applicant's claim specifically includes an aspect where the actual burning of data onto a disk is intentionally delayed from the instructions given by, for example, dragging and dropping or cutting and pasting until an ejection command is received (p.12, lines 7-17). Kurashina teaches otherwise. For example, when a "recording" (Fig 12, Col. 9, lines 16-31) or "reproduction" (Fig 14: Col. 9, lines 39-47) command is given, the recording or reproduction of data starts after the command is received without delay. Clearly, Kurashina teaches away from Applicant's "...delaying execution of said instruction until a command to eject said blank writeable media..."

Moreover, Kurashina Col. 8, lines 34-59 merely describes a series of general steps in which the system controller evaluates to determine its general operation from when a disk is loaded to when a disk is ejected without describing specifically the delayed execution of the reproduction or writing of data onto the disk. Unlike applicant's claim, Kurashina did not specify receiving an instruction to write or record data onto the disk between loading of the disk and ejection of the disk which suggests to a reader that the command to write data to a disk may be given before loading of the disk. Lastly, Kurashina Col. 11, lines 56-58 and Col. 12, lines 7-9 fail to specify the receiving of a blank writeable media into a drive and the use of a graphical user interface in communicating the ejection command.

In summary, Keller and Kurashina fail to cure each other's deficiency and the combination of Keller and Kurashina does not teach or suggest all the elements in applicant's claim. As such, claims 1, 25 and 49 are patentable over Keller in view of Kurashina and withdrawal of the rejection of the claims under 35 U.S.C. 103(a) is requested.

**Dependent claims 2, 3, 26, 28, 50 and 52**

Dependent claims 2, 3, 26, 28, 50 and 52 depend from independent claims 1, 25 and 49 and include the limitations containing within those independent claims. At least for this reason, they are considered patentable over the combination of Keller in view of Kurashina. Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. 103(a).

**Claims 5, 9-11, 14, 18-23, 27, 29, 33-35, 38, 42-47, 51, 53, 57-59, 62 and 66-71 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina in view of claims 2, 5, 9, 10, 18, 19, 20, 22, 26, 33-34, 42-44, 46, 50, 57-58, 66-68 and 70, and further in view of Screen Dumps of MS CD Player.**

**Dependent claims 5, 9-11, 27, 29, 33-35, 51, 53, and 57-59**

Claims 5, 9-11, 27, 29, 33-35, 51, 53, and 57-59 depend from amended claims 1, 25 and 49. Keller and Kurashina fail to cure deficiency of each other and their combination fails to suggest or teach all the elements in amended claims 1, 25 and 49. MS CD player describes a graphical user interface of a CD player and fails to cure the deficiencies in Keller and Kurashina. For at least this reason, claims 5, 9-11, 27, 29, 33-35, 51, 53, and 57-59 are patentable over Keller in view of Kurashina and MS CD player and applicant respectfully requests the withdrawal of the rejections of the rejections of the claim under 35 U.S.C. 103(a).

Independent claims 14, 38 and 62

Keller and Kurashina are described above. The Office Action (dated 6/1/05) cited screen dumps from MS CD player with a graphical user interface that has at least 3 selectable options for the user.

Independent claims 14, 38 and 62 include the elements of "... at least three selectable options which allow said user to (1) eject ... (2) use said blank once writeable media... (3) launch an audio CD creation program." (Emphasis added).

Applicant wishes to distinguish that two of the three options: "skip" and "previous track" as cited in the Office Action (6/1/05, page 4) are different from the elements in the claim. The "use" element in the claim, illustrated as an example but not as a limitation, on page 13, lines 9-19, teaches the creation of a data file on the boot drive for storage of data files anticipated to be written onto the once writeable media. Furthermore, the "launch an audio CD creation program" element, illustrated as an example but not as a limitation, on page 13, lines 5-9 teaches the launching of a previously installed audio CD creation program upon selection of this option. The elements are quite different than the "skip" and "previous track" options as referenced from the MS CD player. The options cited are merely modes of operation within a program application, and their operation depends solely on a media that is not blank. As such, those options are not only different from elements in the claim, but inappropriate for the application for use with blank media. Applicant submits that the combination of Keller, Kurashina and MS CD Player does not teach or suggest all the elements in the claim and requests withdrawal of the rejections of the claims under 35 U.S.C. 103(a).

Independent claims 18, 42 and 66

Amended independent claims 18, 42 and 66 include the element "... creating automatically, in response to said receiving, a data file on a storage device which is coupled to said DPS prior to writing data to said blank writeable media, to store various data files to be written to said blank writeable media upon an ejection or burn operation." (Emphasis added).

The Office Action (6/1/05, page 13) asserted that Keller Fig. 2; col. 5, lines 1-13 and col. 12, lines 37-42 and Kurashina Col. 11, lines 56-58 and col. 12, lines 7-9 anticipated this claim. Keller Col. 5, lines 1-13 describes of a front bezel of a device which is operated by physical touching and alludes to the ability of the device's display to communicate with the user, different from a GUI which includes icons based in a computer generated environment, while Col. 12, lines 37-42 describes a "data storage structure" where digital data can be auditioned or reviewed before being saved to a CD. Upon further review of Keller, there is no reference as to where in a "data storage structure" such files are stored. The description of a "structure" only refers only to general physical memory storage, not a specific file which is created automatically in response to receiving a blank writeable media. Kurashina was described above and also failed to anticipate the automatic creation of a data file upon receiving a blank writeable media. Keller and Kurashina fail to cure each other's deficiency and their combination also fail to teach or suggest all the elements in the claim. Accordingly, claims 18, 42 and 66 are patentable over Keller and Kurashina.

Dependent claims 19-23, 43-47 and 67-71

Dependent claims 19-23, 43-47 and 67-71 depend from independent claims 18, 42 and 66. For at least this reason, they are patentable over Keller in view of Kurashina and MS CD player.

**Claims 6, 7, 12, 13, 30, 31, 36, 37, 54, 55, 60 and 61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina as applied to claims 2, 26, and 50 and further in view of Moore et al., U.S. Patent No. 5,835,297 (Moore").**

Dependent claims 6-7, 12-13, 30-31, 36-37, 54-55, and 60-61

Claims 6-7, 12-13, 30-31, 36-37, 54-55, and 60-61 depend from independent claims 1, 25 and 42. Keller and Kurashina are described above and their combination fails to anticipate all the elements in claims 1, 25 and 42. Moore describes a method and apparatus for the detection of the insertion of a medium in a medium drive.

Although Moore discloses in the background that the operating system displays an icon representing the CD when a CD-ROM is inserted into the CD-ROM drive, Moore fails to suggest or disclose an automatic creation of a data file in response to insertion of blank writeable media or for the DPS to delay writing or erasing data on a blank media until receiving of a command to eject after the instruction to write or erase data is given. Thus, Moore also fail to cure the deficiencies in Keller and Kurashina. As such, Claims 6-7, 12-13, 30-31, 36-37, 54-55, and 60-61 are patentable over Keller in view of Kurashina and further in view of Moore.

**Claims 8, 15-17, 32, 39-41, 56 and 63-65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina as applied to claims 5, 14, 29, 38, 53 and 62 and further in view of Moore.**

Dependent claims 8, 15-17, 32, 56 and 63-65

Keller, Kurashina and Moore are described above; each reference fails to cure the deficiency of the others and their combination fails to teach or suggest the elements in independent claims 1, 25 and 42. In addition, Moore also fails to teach or suggest an automatic display of at least three selectable options to "(1) eject... (2) use... and (3) Launch an audio CD creation program" as disclosed in claims 14, 38 and 62. Dependent claims 8, 15-17, 32, 56, and 63-65 depend from amended independent claims 1, 14, 25, 38, 49, and 62. For at least this reason, they are considered patentable over the combination of Keller in view of Kurashima and Moore.

**Claims 24, 48 and 72 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina.**

Dependent claims 24, 48, and 72

Dependent claims 24, 48, and 72 depend from amended independent claims 18, 42, and 66 and include the elements contained within those independent claims. At least for this reason, they are considered patentable over the combination of Keller in view of Kurashima.

**Conclusion**


Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.

If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact James C. Scheller at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any fees that may be due.

Respectfully submitted,  
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